

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY *sf* D.C.
05 MAY 25 AM 8:14
ROBERT R. DI TROLIO
CLERK OF U.S. DIST. CT
WD. OF TN.-JACKSON

UNITED STATES OF AMERICA,)

Plaintiff,)

VS.)

No. 05-10004-T-An

MARY CHRISTINE GREEN,)

Defendant.)

ORDER DENYING MOTION TO RECONSIDER
ORDER DENYING MOTION TO RETAIN PSYCHOLOGIST

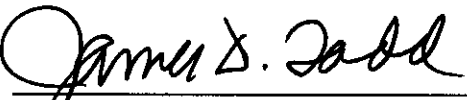
Defendant has moved the court to reconsider its prior order denying her motion for a psychological evaluation prior to her sentencing hearing. In its previous order, the court acknowledged that it may consider evidence of Defendant's alleged drug and alcohol abuse and depression under United States v. Booker, 125 S.Ct. 738 (2005), to determine an appropriate sentence but noted that, because the presentence report will detail Defendant's mental health history, testimony from a psychologist is not necessary. In her motion to reconsider, Defendant argues that the presentence report will not adequately detail her mental health history and its impact on her such that the court will be able to evaluate properly all the statutory factors applicable to sentencing. Defendant has not convinced the court that its prior ruling was in error.


Defendant will be able to present evidence concerning her mental health at her

sentencing to supplement the information in the presentence report. However, if at any point during the sentencing, it appears that the court needs expert testimony to assist in evaluating the evidence as it relates to the sentencing factors, the hearing can be adjourned until the services of an expert can be retained.

Accordingly, Defendant's motion to reconsider is DENIED.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE


DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 33 in case 1:05-CR-10004 was distributed by fax, mail, or direct printing on May 26, 2005 to the parties listed.

Michael J. Stengel
STENGEL LAW FIRM
50 North Front Street
Ste. 850
Memphis, TN 38103--111

Jerry R. Kitchen
U.S. ATTORNEY
109 S. Highland Ave.
Jackson, TN 38301

Honorable James Todd
US DISTRICT COURT